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PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION
(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Washington D.C. 20231
United States of America

in its capacity as elected Office

Date of mailing: 18 April 1995 (18.04.95)	
International application No.: PCT/US94/08458	Applicant's or agent's file reference: 5169-0021.40
International filing date: 28 July 1994 (28.07.94)	Priority date: 02 August 1993 (02.08.93)
Applicant: SILVESTRINI, Thomas, A.	

1. The designated Office is hereby notified of its election made:

 in the demand filed with the International Preliminary Examining Authority on:**02 March 1995 (02.03.95)** in a notice effecting later election filed with the International Bureau on:

2. The election was was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer: T. Zhao Telephone No.: (41-22) 730.91.11
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PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Washington D.C. 20231
United States of America

Date of mailing (day/month/year) 04 October 1995 (04.10.95)	in its capacity as elected Office
International application No. PCT/US94/08458	International filing date (day/month/year) 28 July 1994 (28.07.94)
Applicant KERAVISION, INC. et al	

The International Bureau transmits herewith the following documents and number thereof:

copy of the international preliminary examination report (Article 36(3)(a))

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer K. Andreasson Telephone No.: (41-22) 730.91.11
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PATENT COOPERATION TREATY

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REC'D	03 OCT 1995
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 5169-0021.40	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US94/08458	International filing date (day/month/year) 28 JULY 1994	Priority date (day/month/year) 02 AUGUST 1993
International Patent Classification (IPC) or national classification and IPC IPC(6): A61B 19/00; and US Cl.: 623/5		
Applicant KERAVISION, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 02 MARCH 1995	Date of completion of this report 22 SEPTEMBER 1995
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer MARY BETH JONES Telephone No. (703) 308-3400
Facsimile No. (703) 308-3139	<i>Stacia Sinuk for</i>

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US94/08458

I. Basis of the report

1. This report has been drawn on the basis of (Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments):

the international application as originally filed.

the description, pages 1-22, as originally filed.
pages NONE, filed with the demand.
pages NONE, filed with the letter of _____.
pages _____, filed with the letter of _____.

the claims, Nos. 1-22, as originally filed.
Nos. NONE, as amended under Article 19.
Nos. NONE, filed with the demand.
Nos. NONE, filed with the letter of _____.
Nos. _____, filed with the letter of _____.

the drawings, sheets/fig 1-7, as originally filed.
sheets/fig NONE, filed with the demand.
sheets/fig NONE, filed with the letter of _____.
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

the description, pages NONE.

the claims, Nos. NONE.

the drawings, sheets/fig NONE.

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US94/08458

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The question whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

the entire international application.
 claims Nos. 15

because:

the said following application, or the said claim Nos. relate to the following subject matter which does not require international preliminary examination (specify).

the description, claims or drawings (indicate particular elements below) or said claims Nos. 15 are so unclear that no meaningful opinion could be formed (specify).

Claim 15 is an improper multiple dependent claim under PCT Rule 6.4(a).

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 no international search report has been established for said claims Nos. .

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US94/08458

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>8-9, 12-14, 17-22</u>	YES
	Claims <u>1-7, 10, 11, 16</u>	NO
Inventive Step (IS)	Claims <u>17-22</u>	YES
	Claims <u>1-14, 16</u>	NO
Industrial Applicability (IA)	Claims <u>1-14, 16-22</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-7, 10, 11 and 16 lack novelty under PCT Article 33(2) as being anticipated by Parel et al. Parel et al. show a C-shaped polymeric insert which subtends less than 360 degrees. Note Figs. 3 and 4 which show the ring as a corneal insert. See Fig. 11 for the hollow, tubular embodiment.

As to claim 10, see column 2, lines 43-48 concerning the above.

Claims 8, 9 and 12-14 lack inventive step under PCT Article 33(3) as being obvious over Parel et al. The particular material of the insert is an obvious matter of design choice in the absence of any disclosed or claimed criticality. The use of lubricant in intraocular inserts is conventional and the particular type used is deemed an obvious matter of design choice lacking in disclosed criticality.

Claims 17-22 meet the criteria for novelty, inventive step and industrial applicability under PCT Article 33(2)-(4) because the prior art of record does not show a plurality of rings implanted in the corneal stroma or a filament or woven or matte fabric.

— NEW CITATIONS —

NONE

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US94/08458

A. CLASSIFICATION OF SUBJECT MATTER

IPC(5) :A61B 19/00

US CL :623/5

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 604/294, 890.1, 891.1, 892.1; 606/107, 166; 623/4, 5

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
NONEElectronic data base consulted during the international search (name of data base and, where practicable, search terms used)
NONE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US, A, 5,098,443, (PAREL ET AL.), 24 March 1992. See entire document.	1-7, 11, 16
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Y		10
Y, P	US, A, 5,290,271, (JERNBERG), 01 March 1994. See entire document.	10
A	US, A, 4,961,744, (KILMER ET AL.), 09 October 1990.	1-22

Further documents are listed in the continuation of Box C.

See patent family annex.

* Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
A document defining the general state of the art which is not considered to be part of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
E earlier document published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)		
O document referring to an oral disclosure, use, exhibition or other means		
P document published prior to the international filing date but later than the priority date claimed	"&"	document member of the same patent family

Date of the actual completion of the international search

21 OCTOBER 1994

Date of mailing of the international search report

DEC 02 1994

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
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Authorized officer

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